

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Monday, January 7, 2019

SUBJECT: Public Hearing for Rezoning Application #R-2018-06

PRESENTER: Allen S. McNeill, Planner

ATTACHMENTS:

1. Staff Report
2. Aerial Photo Map
3. Notice of Public Hearing
4. Certification of Notification of Public Hearing
5. Resolution of Consistency with CCP
6. Power Point Slides

SUMMARY OF REQUEST:

Rezoning Application #R-2018-06 which was initiated on October 1st, 2018 at the request of the applicant Ms. Gloria Ashley, who requests the County rezone approximately 1.86 acres of land (thereafter the “Subject Area”) from an Estate Residential (R-40) zoning district to a Local Commercial (LC) zoning district.

The Henderson County Planning Board considered rezoning application #R-2018-06 at its regularly scheduled meetings on November 15th, 2018. During the meeting, the Planning Board voted 5-1 to send forward a favorable recommendation to rezone the Subject Area to a Local Commercial (LC) zoning district.

PUBLIC NOTICE:

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §42A-303 and §42A-346 (C) of the Henderson County Land Development Code and State Law, notices of the January 7th, 2019, public hearing regarding rezoning application #R-2018-06 were published in the Hendersonville Lightning on December 26, 2018 and January 2, 2019. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area on December 13, 2018 and posted signs advertising the hearing on the Subject Area on December 13, 2018.

BOARD ACTION REQUESTED:

If approved, State law requires that the Board adopt a written statement of consistency with the County Comprehensive Plan (CCP). A draft resolution is provided.

Suggested Motion:

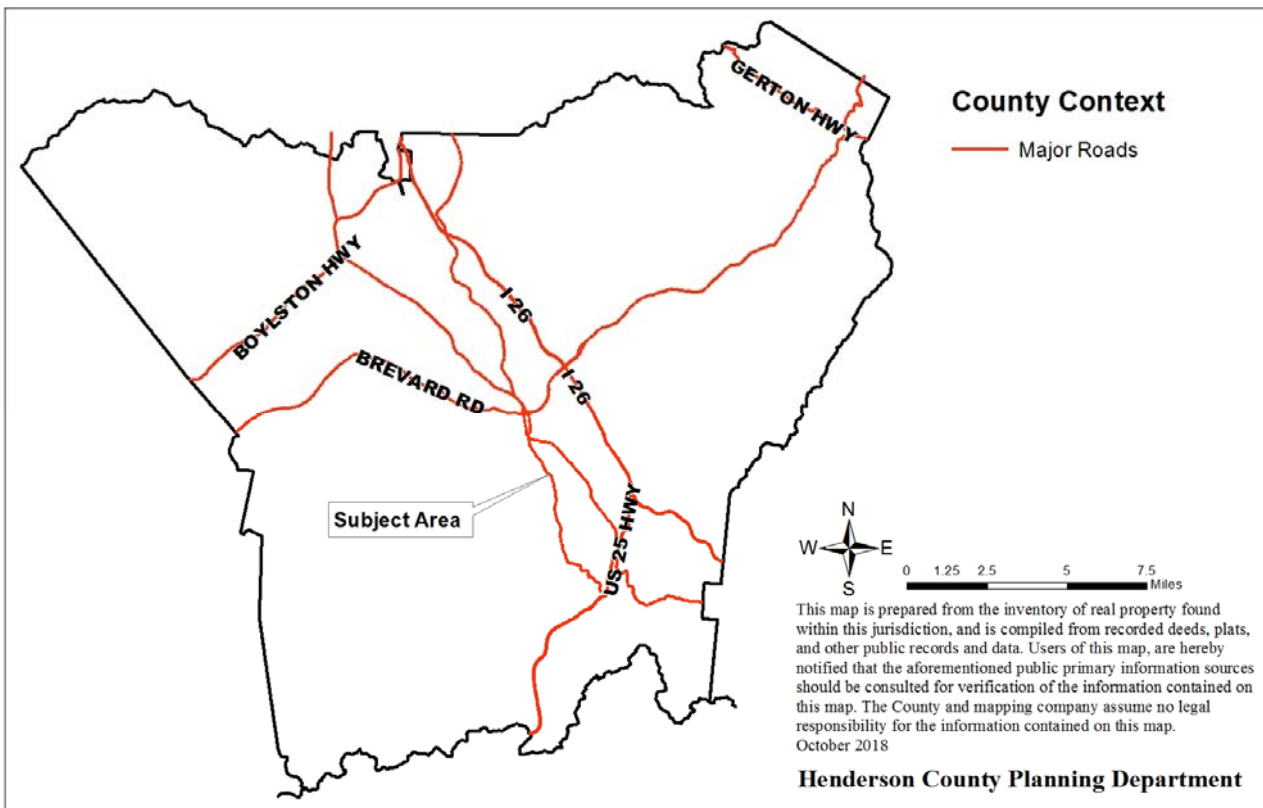
I move that the Board adopt the attached resolution regarding the consistency with the CCP.

I move that the Board (approve, approve with conditions or deny) rezoning application #R-2018-06 to rezone the Subject Area to a Local Commercial (LC) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan and other supporting information.

Henderson County Planning Department Staff Report**Rezoning Application #R-2018-06 (R-40 to LC)****Applicant/Owner: Gloria Ashley**

1. Rezoning Request

- 1.1. **Property Owner/Applicant:** Gloria Ashley
- 1.2. **Agent:** Sherri L. Brewer
- 1.3. **PIN:** 9577-18-7316
- 1.4. **Request:** Rezone subject area from an Estate Residential (R-40) zoning district to a Local Commercial (LC) zoning district.
- 1.5. **Size:** Approximately 1.86 acres of land
- 1.6. **Location:** The subject area consists of 1 parcel located off Erkwood Drive near the intersection of Greenville Highway.

Map A: County Context

Map B: Aerial Photo**2. Current Zoning (see Maps C & D)**

2.1. **Application of Current Zoning:** The subject area is currently zoned Estate Residential (R-40)

2.2. **Adjacent Zoning:** The subject area is adjacent to Local Commercial (LC) to its south east, Estate Residential (R-40) to its south west, and the City of Hendersonville's Greenville Highway Mixed Use (GHMU) zoning district to its north.

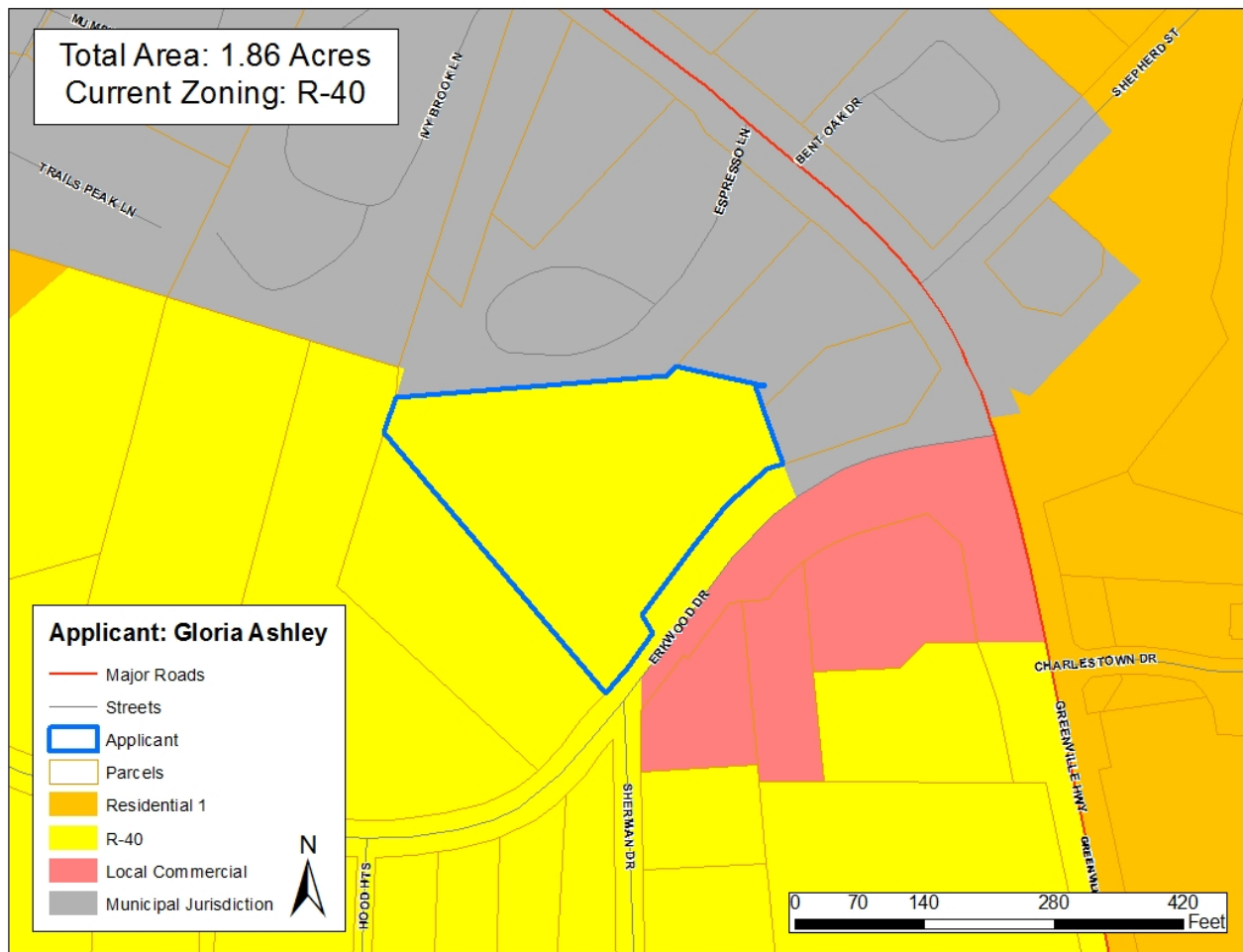
2.3. District Comparison:

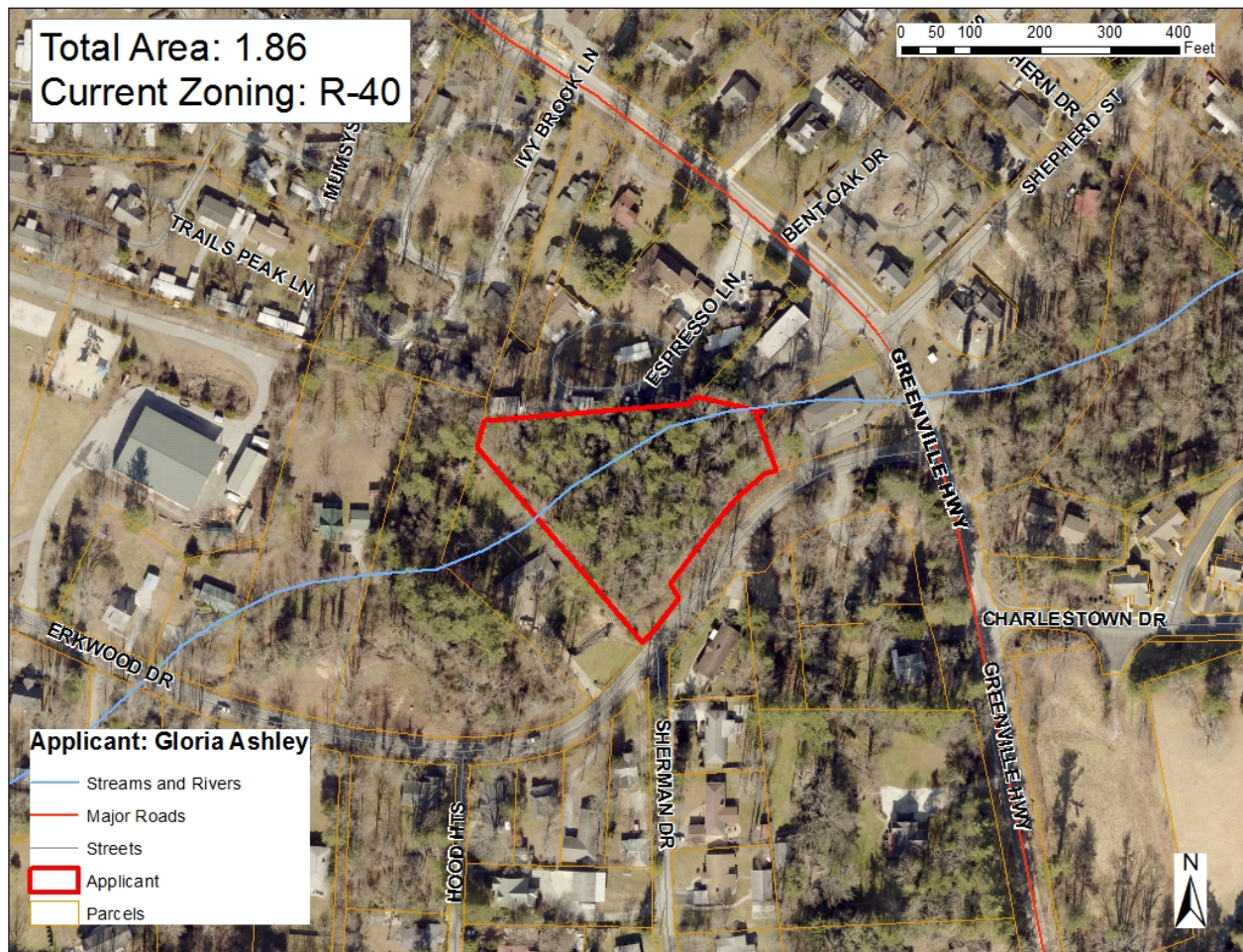
2.3.1. **Estate Residential (R-40):** "The Estate Residential District (R-40) is established to maintain the zoning in place prior to the adoption of this Chapter 42. This district is established as a district in which the principal use of the land is for low-density residential use. This district is intended to ensure that residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at a sufficiently low density to provide a healthful environment." (Chapter 42, Land Development Code §42-37).

2.3.2. **Local Commercial (LC):** "The purpose of Local Commercial (LC) zoning is to foster orderly growth with residential and commercial uses. The intent of this district is to allow for commercial development consistent with the recommendations of the Comprehensive Plan." (Chapter 42, Land Development Code §42-37).

2.3.3. **Greenville Highway Mixed Use (GHMU) City of Hendersonville:** “The Greenville Highway Mixed Use Zoning District Classification is intended to encourage a mix of medium density residential development in conjunction with appropriately scaled and compatible commercial development, consisting of retail sales and services, professional offices, accommodations services and similar uses.” (Section 5, §22, City of Hendersonville Zoning Ordinance).

Map C: Current Zoning



Map D: Stream Location**3. Current Uses of Subject Area and Adjacent Properties**

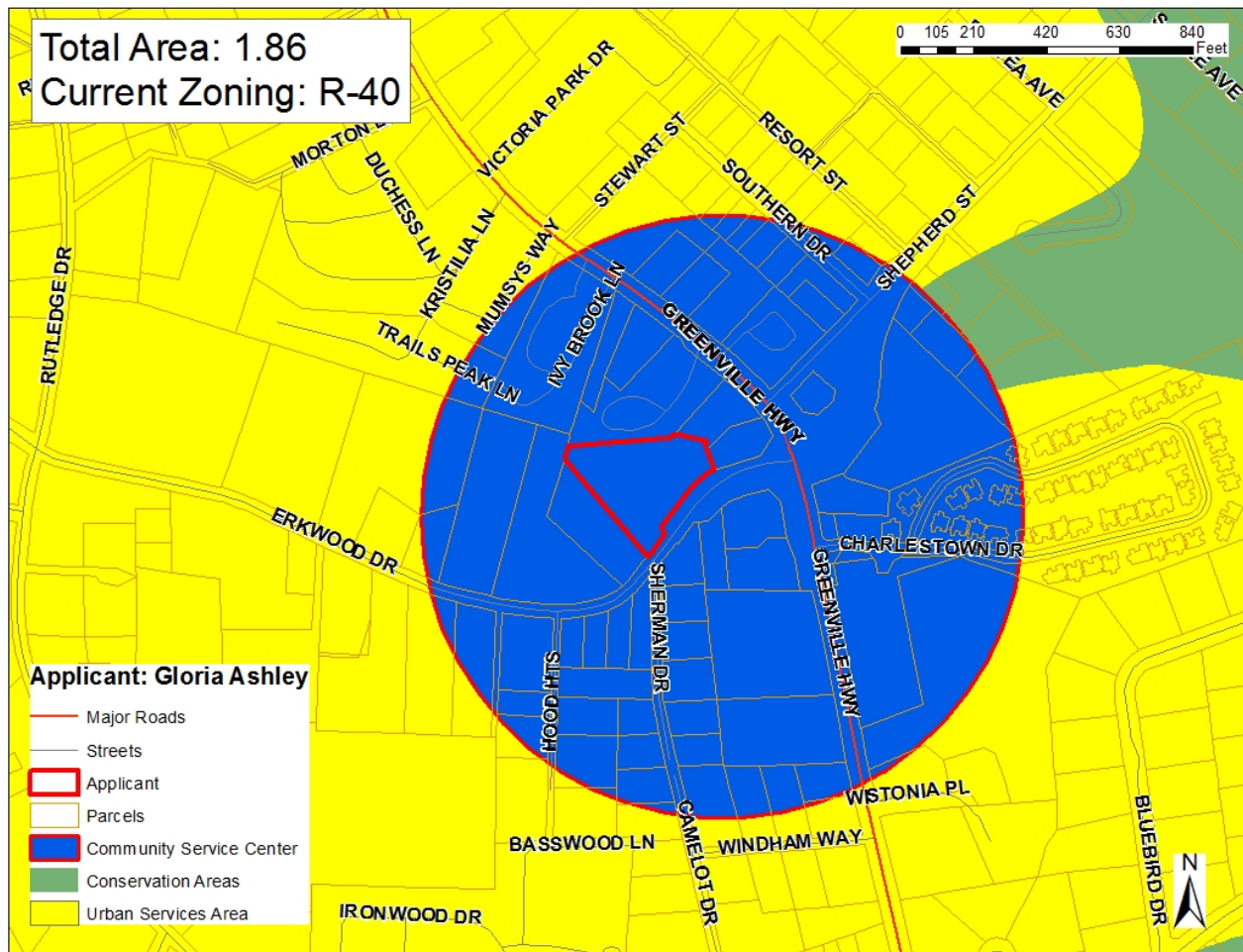
3.1. **Subject Area Uses:** Currently the subject area is vacant and is largely covered in unmaintained vegetation.

3.2. **Adjacent Area Uses:** The surrounding properties contain residential uses with a mix of commercial properties to the subject area's Northern and Eastern boundaries.

4. The Henderson County 2020 Comprehensive Plan (CCP)

4.1. The CCP Future Land Use Map identifies the subject area as being located in a Community Service Center.

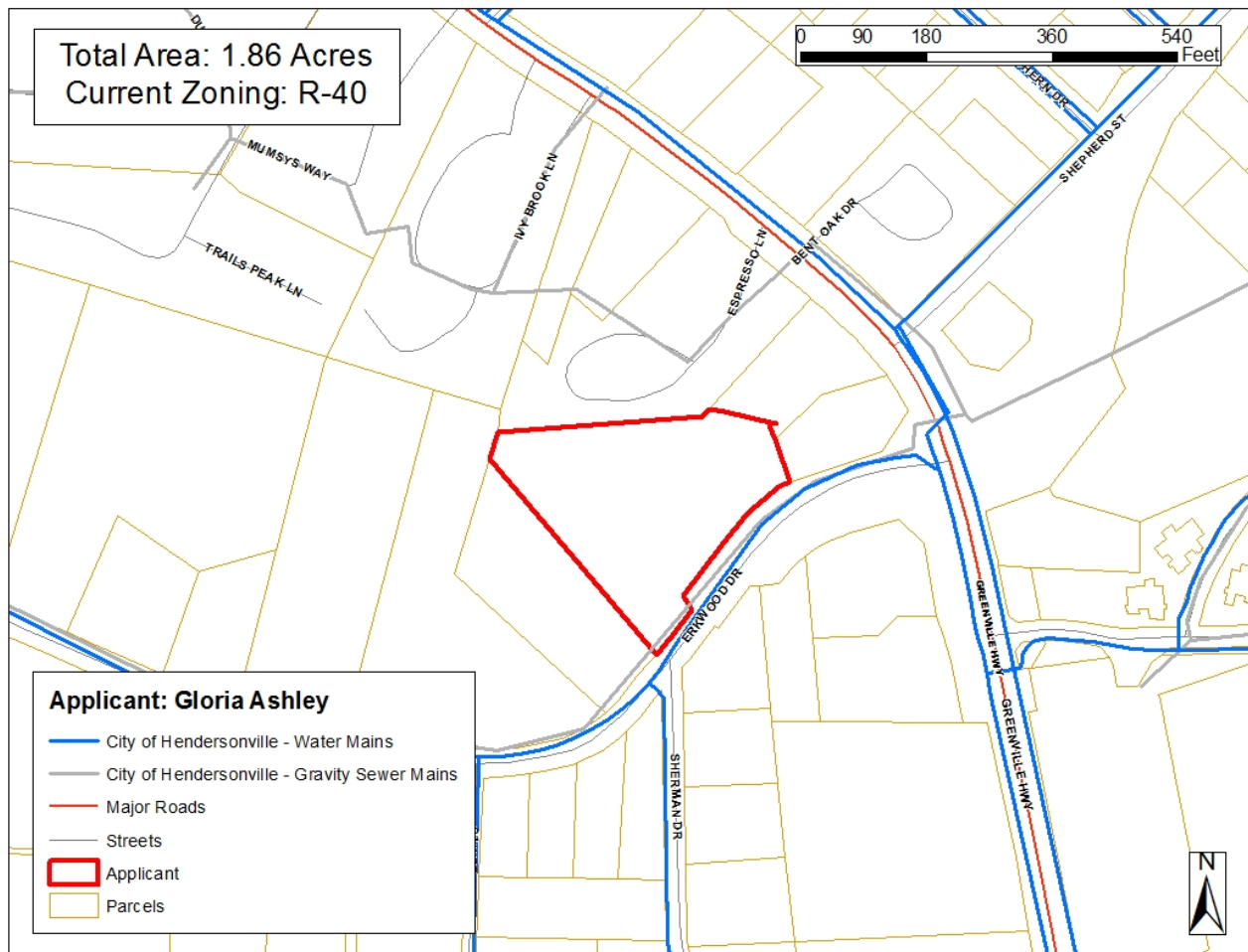
Map E: 2020 County Comprehensive Plan Future Land Use Map



Community Service Center: The CCP states that, “*Community Service Centers* are located in unified development concentrations at intersections of selected thoroughfares and in central locations that are convenient to nearby residential development so as to minimize problems associated with “strip” commercial development. *Community Service Centers* should be priority targets of investments for sewer and water, public transportation, greenways, other general road improvements, and other appropriate infrastructural improvements.” (2020 CCP, Pgs. 138 & Appendix 1, Map 24). (See Map E).

5. Water and Sewer (see Map F)

5.1. The subject area is served with access to both public water and sewer by the City of Hendersonville.

Map F: Water and Sewer Map

6. Staff Comments

- 6.1. **The 2020 CCP:** The CCP Future Land Use Map (See Map E) places the Subject Area in the Community Service Center.
- 6.2. **Adjacent Zoning:** The subject area is adjacent to Local Commercial, Estate Residential and property zoned Greenville Highway Mixed Use under the City of Hendersonville's land code ordinance.
- 6.3. **East Flat Rock Community Plan:** On May 7th, 2018, the Henderson County Board of Commissioners voted to adopt the East Flat Rock Community Plan. Included in this community plan is a recommended rezoning that includes the subject area which would change the property from its current zoning of Residential 40 to a Residential Two zoning district.
- 6.4. It is staff's position that the Planning Board determine whether the subject area meets the requirements necessary to be rezoned to a Local Commercial zoning district.

7. Staff Recommendations

- 7.1. It is staff's position that the subject area meets the technical requirements to become a Local Commercial zoning district.

8. Technical Review Committee Recommendations

- 8.1. At their regularly scheduled meeting on November 6th, 2018, TRC reviewed this application and found that the application met all technical requirements. The committee motioned to forward the request to the Planning Board for further review.

9. Planning Board Recommendations

- 9.1. The Planning Board reviewed this application at its November 15, 2018 meeting and voted 5-1 to send forth a favorable recommendation to the Board of Commissioners.

**NOTICE OF PUBLIC HEARING
ON PROPOSED ZONING MAP AMENDMENT
(Rezoning Application #R-2018-06)**

The Henderson County Board of Commissioners will hold a public hearing for a proposed map amendment to the Official Zoning Map of Henderson County, North Carolina.

Rezoning Application #R-2018-06, which was submitted on October 1st, 2018, requests the County rezone approximately 1.86 acres. The applicant requests a rezoning from an Estate Residential (R-40) zoning district to a Local Commercial (LC) zoning district. The subject area is owned by Gloria Ashley. The property is located off Erkwood Drive. The PIN for the parcel included is: 9577-18-7316.

The public hearing will be held on **Monday, January 7th, 2019, at 5:30 P.M.**, in the **Board of Commissioners Meeting Room** located in the **Henderson County Historic Courthouse**, at 1 Historic Courthouse Square, in Hendersonville, NC. The public is invited to attend and comment on the proposed amendment.

Written comments addressed to the Henderson County Board of Commissioners, 1 Historic Courthouse Square, Suite 1, Hendersonville, NC 28792, will be accepted prior to the hearing. Information about the proposed amendment is available for review in the Henderson County Planning Department, 100 N. King Street, Hendersonville, NC, between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday, or on the Henderson County Website at www.hcplanning.org. For more information, call the Planning Department at (828) 697-4819.

Please note that after considering public hearing comments, the Board of Commissioners may discuss other options or make changes to the proposed amendments before taking final action. The Henderson County 2020 Comprehensive Plan will be updated and amended, as necessary, to reflect the action of the Board of Commissioners.

Terry Wilson
Clerk to the Board
Henderson County Board of Commissioners

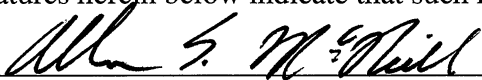
For publication in the Hendersonville Lightning on Wednesday, December 26, 2018 and Wednesday, January 2, 2019.

Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notice of the January 7th, 2019 hearing regarding Rezoning Application #R-2018-06 were:

1. Submitted to the Hendersonville Lightning on December 13, 2018 to be published on December 26, 2018 and January 2, 2019 by Allen S. McNeill;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on December 13, 2018 by Allen S. McNeill;
3. Sent, via first class mail, to the property owner on December 13, 2018 by Allen S. McNeill; and
4. Signs were posted on the Subject Area(s) on December 13, 2018 by Allen S. McNeill.

The signatures herein below indicate that such notices were made as indicated herein above:

1. 

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

I, Toby Linville, a Notary Public, in and for the above County

and State, do hereby certify that

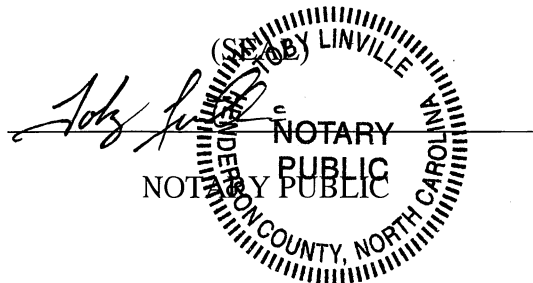
Allen S. McNeill,

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 18 day of December, 20 18.

My commission expires:

5/25/21





RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN

WHEREAS, pursuant to N.C. General Statute §153, Article 18, the Henderson County Board of Commissioners exercises regulations relating to development within the County's jurisdiction; and

WHEREAS, the Henderson County Board of Commissioners (Board) adopted the Land Development Code (LDC) on September 19, 2007 and has amended the LDC to address new and changing issues;

WHEREAS, the Board desires to update and revise the regulations of the LDC; and

WHEREAS, the Planning Director and Planning Board provided recommendations regarding the proposed zoning map amendment with case #R-2018-06; and

WHEREAS, pursuant to N.C. General Statute §153-323, the Planning Director provided the prescribed public notice and the Board held the required public hearing on January 7th, 2019; and

WHEREAS, N.C. General Statute §153-341 requires the Board to adopt a statement of consistency with the County Comprehensive Plan (CCP); and

NOW THEREFORE, BE IT RESOLVED by the Henderson County Board of Commissioners as follows:

1. That the Board reviewed the proposed map amendment (#R-2018-06 Gloria Ashley) and finds that it is reasonable, in the public interest and it is consistent with the CCP and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed map amendment provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

THIS the 7th day of January, 2019.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
GRADY HAWKINS, Chairman

ATTEST:

Teresa Wilson, Clerk to the Board

[COUNTY SEAL]

Rezoning #R-2018-06 Gloria Ashley Property



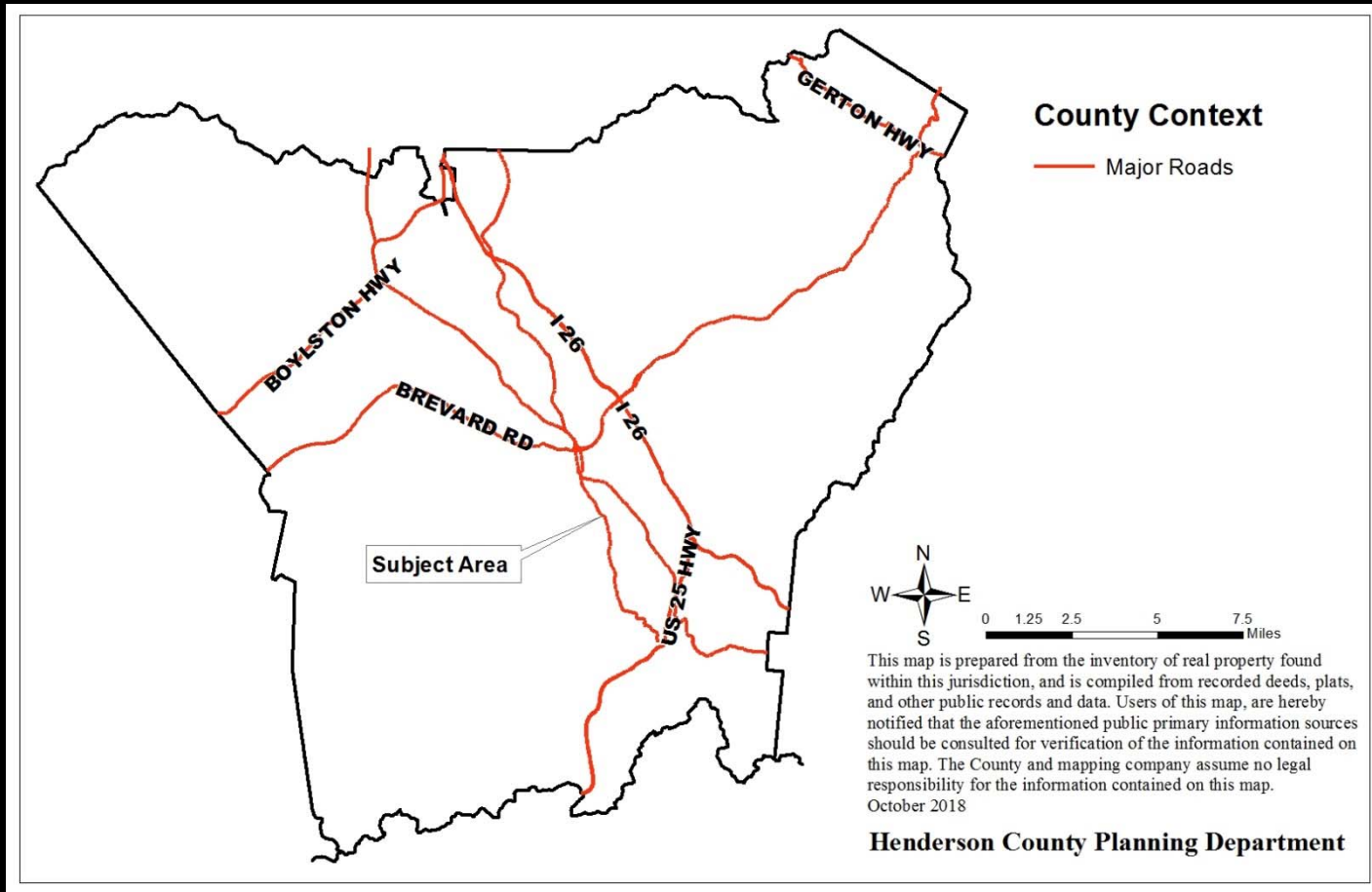
**Henderson County Board of Commissioners
January 7th, 2019**

Henderson County Planning Department

Application Summary

- Rezoning Request: R-2018-06
- Submitted on October 1st, 2018
- Owner/Applicant: Gloria Ashley
- Agent: Sherri L. Brewer
- Rezone from an Estate Residential (R-40) Zoning District to a Local Commercial (LC) Zoning District
- 1.86 Acres
- 1 Parcel

County Context



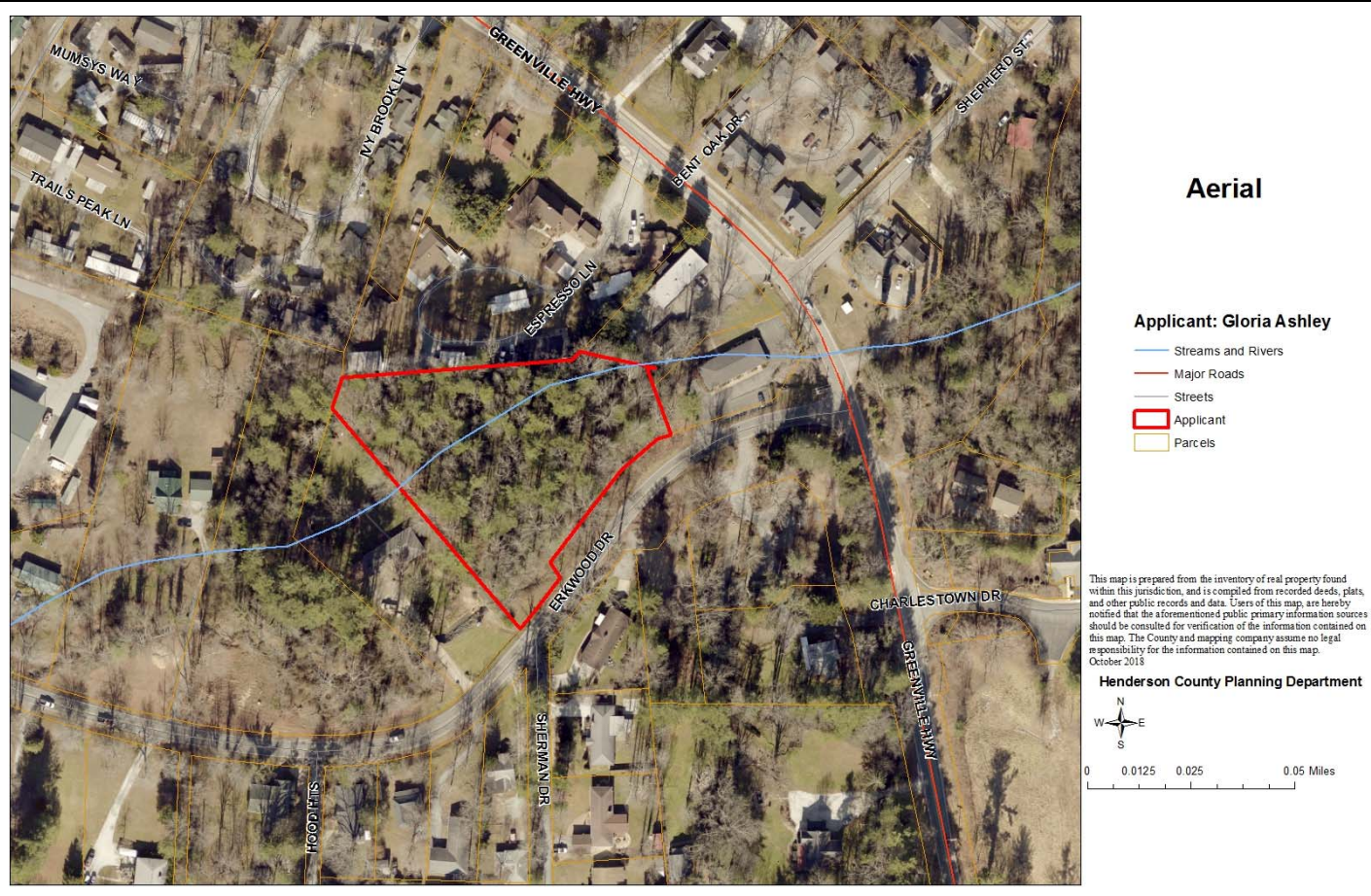
Henderson County Planning Department

Aerial Map



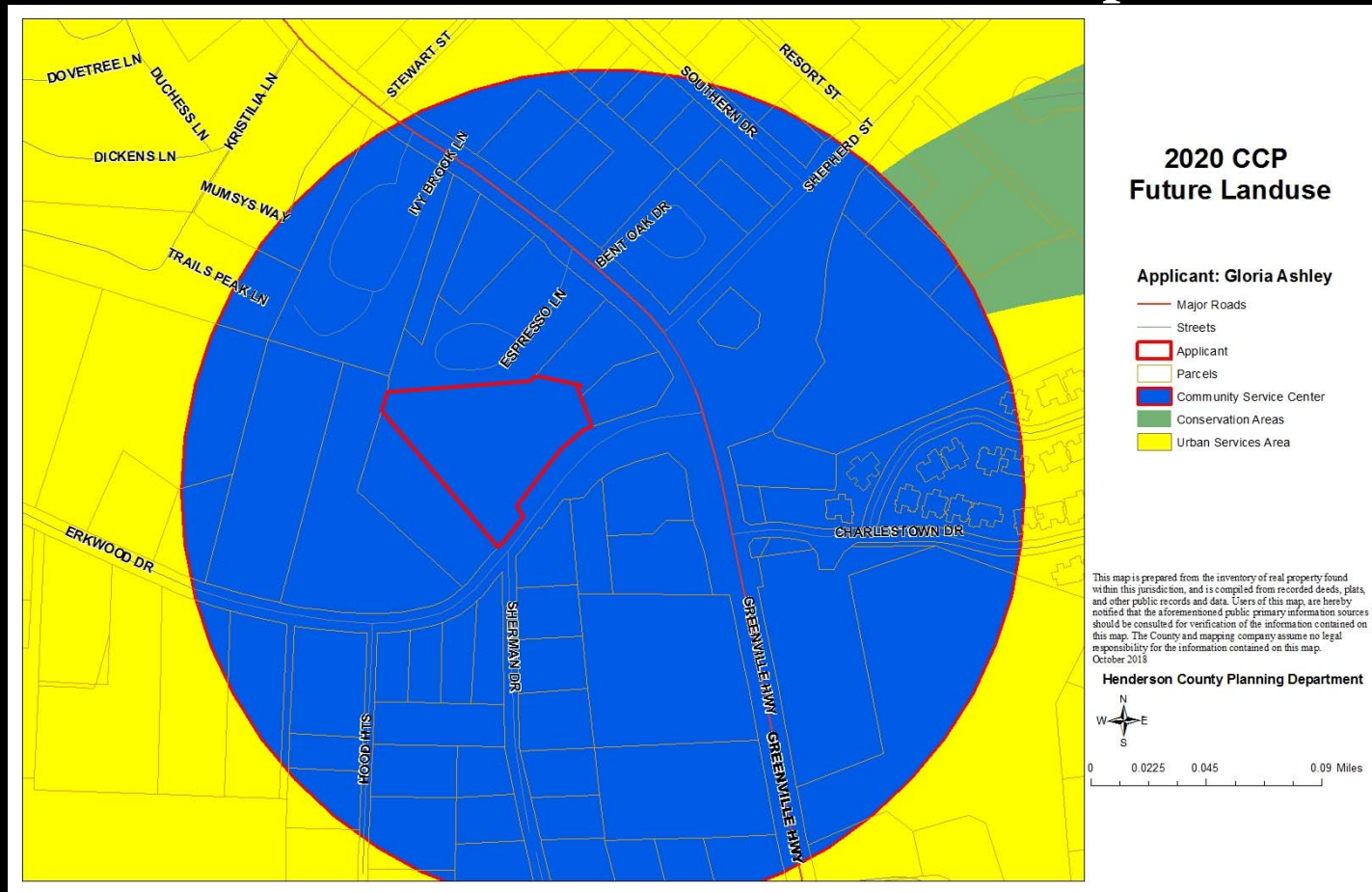
Henderson County Planning Department

Stream Location



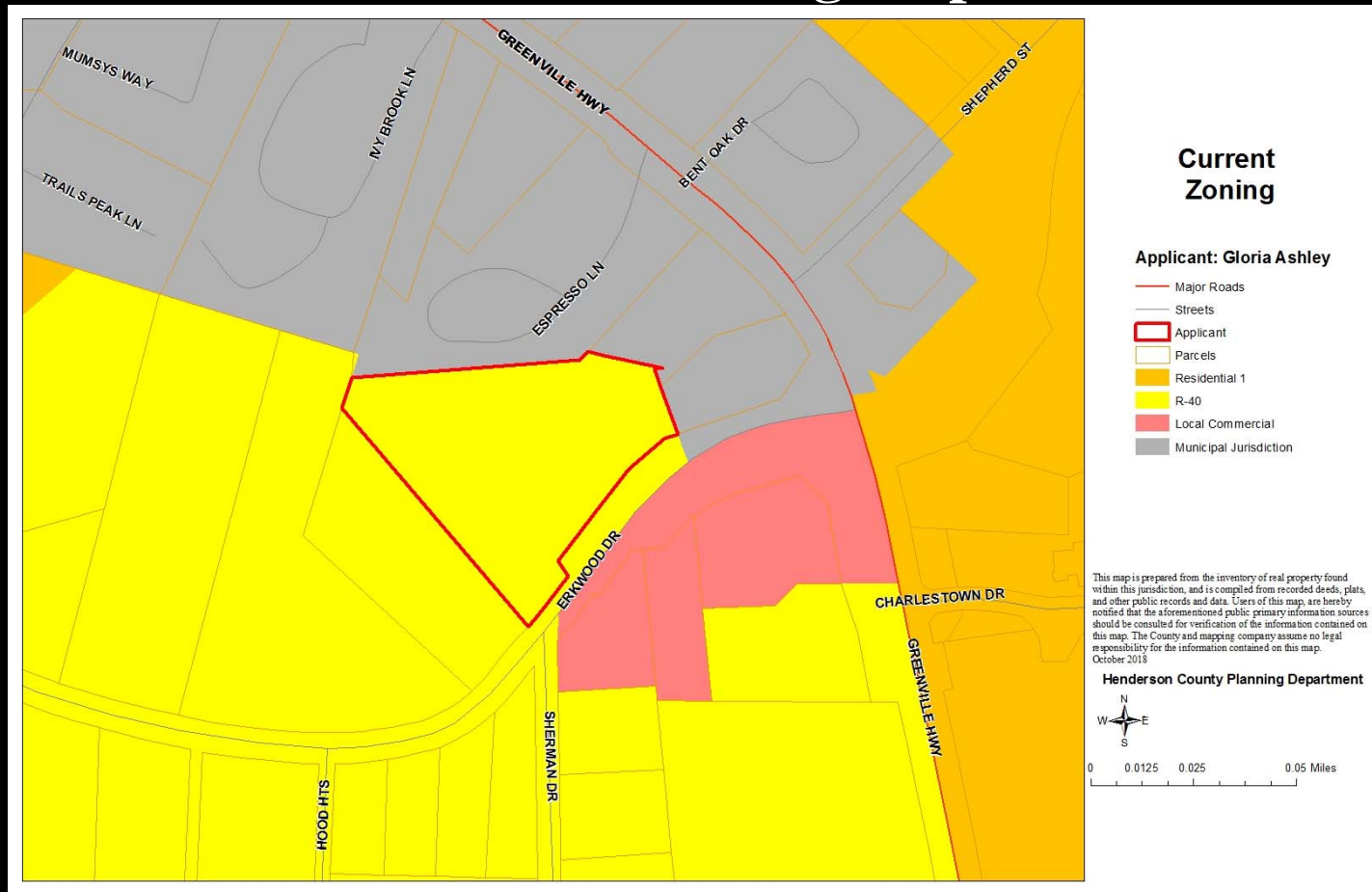
Henderson County Planning Department

2020 CCP Future Land Use Map



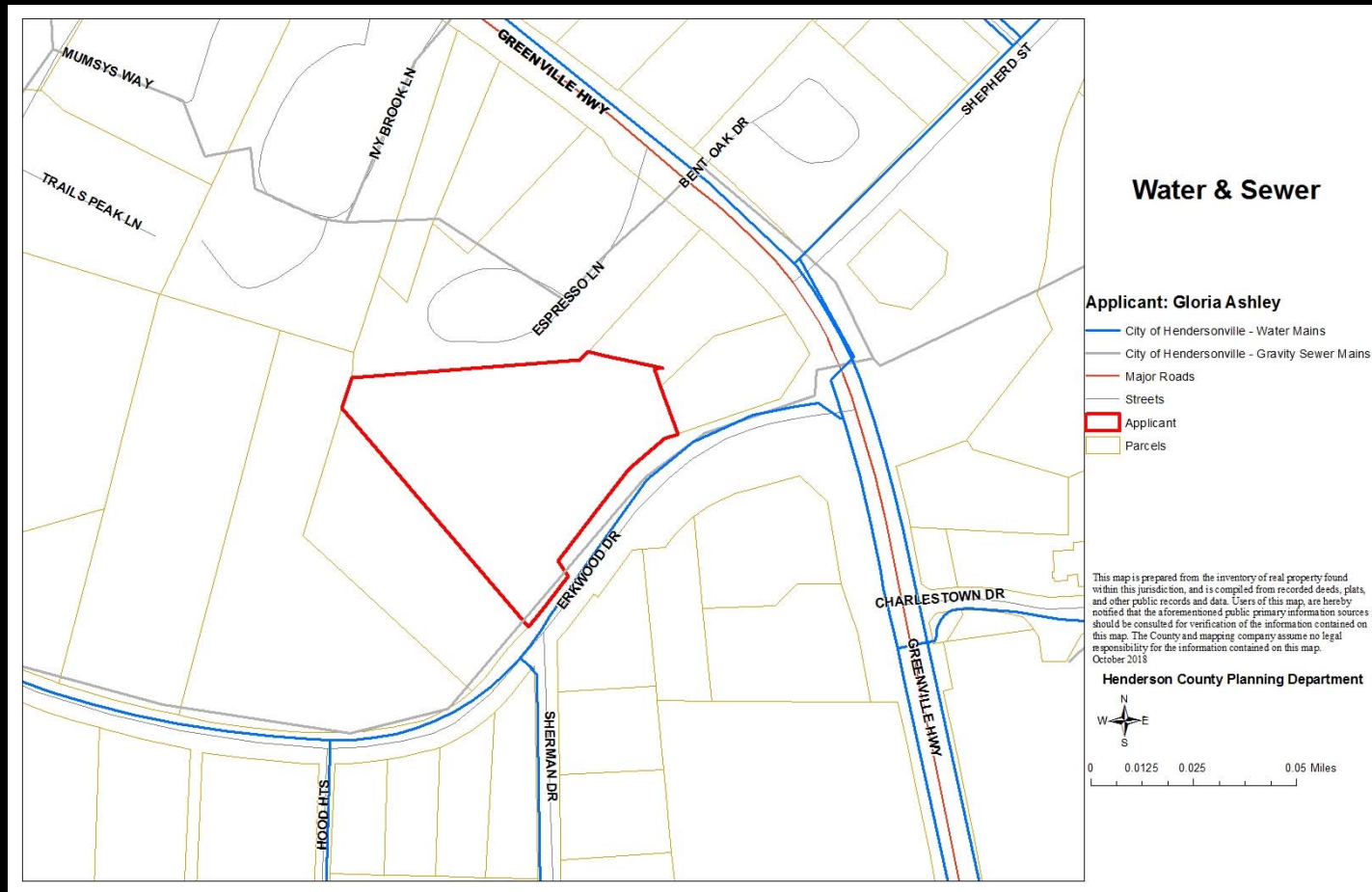
Henderson County Planning Department

Current Zoning Map



Henderson County Planning Department

Public Utilities



Henderson County Planning Department

Rezoning #R-2018-06

Questions

